

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, *et al.*,
Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH
(operating as OPTUMHEALTH
BEHAVIORAL SOLUTIONS),
Defendant.

Case No. 3:14-CV-02346-JCS
Action Filed: May 21, 2014

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

GARY ALEXANDER, *et al.*,
Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH
(operating as OPTUMHEALTH
BEHAVIORAL SOLUTIONS),
Defendant.

Case No. 3:14-CV-05337-JCS
Action Filed: December 4, 2014

[PROPOSED] ORDER

Before the Court is Plaintiffs' Motion for Class Certification pursuant to Federal Rule of Civil Procedure 23, the Memorandum of Points and Authorities in support thereof, and the Declaration of Caroline E. Reynolds in support thereof, along with accompanying exhibits. Having reviewed the parties' submissions,

IT IS HEREBY ORDERED that Plaintiffs' Motion is GRANTED. The Court hereby certifies the Classes set forth below:

A. The *Wit* Guideline Class

Any member of a health benefit plan governed by ERISA whose request for coverage of residential treatment services for a mental illness or substance use disorder was denied by UBH, in whole or in part, on or after May 22, 2011, based upon UBH's Level of Care Guidelines or UBH's Coverage Determination Guidelines.

The *Wit* Guideline Class excludes members of the *Wit* State Mandate Class, as defined below.

B. The *Wit* State Mandate Class

Any member of a fully-insured health benefit plan governed by both ERISA and the state law of Connecticut, Illinois, Rhode Island or Texas, whose request for coverage of residential treatment services for a substance use disorder was denied by UBH, in whole or in part, on or after May 22, 2011, based upon UBH's Level of Care Guidelines or UBH's Coverage Determination Guidelines and not upon the level-of-care criteria mandated by the applicable state law.

The *Wit* State Mandate Class excludes members of the *Wit* Guideline Class, as defined above.

C. The *Alexander* Guideline Class

Any member of a health benefit plan governed by ERISA whose request for coverage of outpatient or intensive outpatient services for a mental illness or substance use disorder was denied by UBH, in whole or in part, on or after May 22, 2011, based upon UBH's Level of Care Guidelines or UBH's Coverage Determination Guidelines.

1 The *Alexander* Guideline Class excludes any member of a fully-
2 insured plan governed by both ERISA and the state law of Con-
3 necticut, Illinois, Rhode Island or Texas, whose request for cover-
age of intensive outpatient treatment or outpatient treatment related
to a substance use disorder.

4 IT IS HEREBY FURTHER ORDERED that Named Plaintiffs David and Natasha Wit,
5 Lori Flanzraich, Cecilia Holdnak, Brian Muir, and Linda Tillitt are appointed as Class
6 Representatives for the *Wit* Guideline Class; Named Plaintiff Brandt Pfeifer is appointed as Class
7 Representative for the *Wit* State Mandate Class; and Named Plaintiffs Gary Alexander, David
8 Haffner, Corinna Klein, and Michael Driscoll are appointed as Class Representatives for the
9 *Alexander* Guideline Class.
10

11 IT IS HEREBY FURTHER ORDERED that Zuckerman Spaeder LLP and Psych-Appeal,
12 Inc. are appointed as Co-Lead Class Counsel for the Classes.
13

14 **IT IS SO ORDERED.**
15

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17 Dated: _____

The Honorable Joseph C. Spero
Chief United States Magistrate Judge